

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SANTOS AMADOR, DARWIN ORTIZ, and
MARIO AVILA,

Plaintiffs,

MEMORANDUM & ORDER

21-CV-4633 (EK) (VMS)

-against-

109-19 FOOD CORP., RUHANA FOOD
INTERNATIONAL LLC, LIBERTY WHOLESALE
FOOD CORP., 241-11 LINDEN FOOD CORP.,
16611 FOOD CORP., RAMIZA FOOD CORP.,
351 N. CENTRAL FOOD CORP., FOOD FARM
CORP., FOOD FARM GROUP, INC., SHEAK
RIPON a/k/a RONNIE SHEIK,
individually, and SYEDA SHAHTAJ,
individually.

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Scanlon's
Report and Recommendation (R&R) dated March 14, 2025. ECF
No. 67. Judge Scanlon recommends as follows:

First, that a default judgment enter holding the
defendants liable (1) to Santos Amador for overtime violations
under the Fair Labor Standards Act ("FLSA") and the New York
Labor Law ("NYLL"); (2) to Darwin Ortiz for overtime and
minimum-wage violations under the FLSA and the NYLL; and (3) to
Mario Avila for overtime violations under the FLSA and the NYLL,

and for minimum-wage and spread-of-hours violations under the NYLL.

Second, that the motion for default judgment be denied as to all plaintiffs' unpaid-wages claims; Amador's minimum-wage and spread-of-hours claims; Ortiz's spread-of-hours claims; Avila's minimum-wage claims under the FLSA; certain FLSA claims that accrued before August 17, 2018; and certain NYLL claims that accrued before January 1, 2015.

Third, that the motion for default judgment be denied as to the plaintiffs' wage-notice and wage-statements claims, and that such claims be dismissed without prejudice for lack of standing.

Fourth, that the motion for default judgment be denied without prejudice as to the plaintiffs' damages, and that the plaintiffs be permitted to file a new motion for damages within thirty days of the R&R's adoption.

Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Scanlon's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no error and therefore adopt the recommendations described above in their entirety.

The Clerk of Court is respectfully directed to enter default judgment against the defendants as to (1) Amador's FLSA and NYLL overtime claims; (2) Ortiz's FLSA and NYLL overtime and minimum-wage claims; and (3) Avila's FLSA and NYLL overtime claims, as well as his NYLL minimum-wage and spread-of-hours claims.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: April 7, 2025
Brooklyn, New York